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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,965	08/29/2006	Takashi Mizoguchi	Q96571	5624
23373 7590 12/30/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER GARCIA, CARLOS E				
ART UNIT		PAPER NUMBER		
2627				
NOTIFICATION DATE		DELIVERY MODE		
12/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary

Application No.

10/590,965

Applicant(s)

MIZOGUCHI ET AL.

Examiner

CARLOS E. GARCIA

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/226)
Paper No(s)/Mail Date 8/29/2006, 11/13/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

NON-FINAL REJECTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The disclosure is objected to because of the following informalities:
For example, on Page 21, line 8: "disk part 78" should be --disk part 68--.
Appropriate correction is required.
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes the limitation "other media" which is unclear as to what the other media is being claimed. Furthermore, the limitation "swing stopper being saved from the selected medium" is unclear. It appears from the Drawings and Specification, that the term saved should be changed to --removed away from-- or --rotated away from--; since the term "saved" does not define in which direction the stopper moves.

Further correction required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Otsuki (US 2003/0112718).

Re claim 1: Otsuki discloses a playback apparatus 1 for recording medium comprising:
a receiving chamber 6 in which a plurality of holding members 21 for holding
recording media D are overlapped;

a playback device 7 for moving in a direction of the overlapped recording media (X1-X2 direction, for instance) and clamping a selected recording medium held by the holding member for playback (para.0046);

a separating device 19 (Fig.7) for positioning the holder holding the selected recording medium at a position respectively predetermined by separating the holder holding the selected recording medium from the other holder in the direction of the overlapped recording media at the time when the playback device plays back the selected recording medium (para.0041-0042);

a transporting device 8 for transporting the playback device to a position where the playback device faces a recording surface of the selected recording medium;

a first stopper 39 being attached to a first wall 4 in the direction of overlapping the holding members (Z1-Z2 direction, for instance) and interposed between a slot 2a and the holding members, the first stopper moving with the playback device (by way of activating arm 35, member 39 includes a switching member that moves locking arm 39a up and down a shaft) and supporting the other media at the first wall side from the selected recording medium when the playback device playing back the selected recording medium (para.0047);

a second stopper 17 being attached to a second wall 3 in the direction of overlapping the holding members (Z1-Z2 direction, for instance) and interposed between the slot and the holding members, the second stopper supporting the other media at the second wall side from the selected recording medium when the playback device playing back the selected recording medium (para.0047);

a swing stopper 40 being movable along with the playback device in the direction of overlapping the holding members, and interposed between the slot and the holding members for holding the selected medium until the playback device clamping the selected medium to playback, the swing stopper being saved (pressing member 40 does not touch the selected disk D) from the selected medium when the playback device clamps the selected medium (holds disks below the transfer path of disk D) (para.0048-0049); and

an auxiliary stopper 25 being movable along with the playback device in the direction of overlapping the holding members, and interposed between the slot and the holding members, the auxiliary stopper supporting the other media at the second wall side (holds disks above the transfer path of disk D) the from the selected medium with the second stopper (para.0044-0045).

Re claim 2: Otsuki further discloses:

an up-down stopper 27 being movable along with the playback device in the direction of overlapping the holding members (lock plate 27 secures the disks held in the stockers), and interposed between the slot and the holding members for supporting the recording media held by the holding members.

Conclusion

10. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Andrea can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. G./
Examiner, Art Unit 2627
12/15/2009

/William J. Klimowicz/
Primary Examiner, Art Unit 2627